THE DOE RUN COMPANY
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January 2, 2002

VIA CERTIFIED MAIL

John A Young
Director
Air and Land Protection Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

TEC

Site: Herculaneum lead
ID# MOD006266373
Break: 4.0
Other:
1-2-02

A717

Re: Your letter dated December 17, 2001
Your letter dated December 17, 2001
Your letter dated December 18, 2001

Dear Mr. Young:

Your letter dated December 17, 2001 covering the period from October 26 through November 20, 2001 and your letter dated December 17, 2001 covering the period from November 21 through December 6, 2001 were received by fax on December 18, 2001. Your letter dated December 18, 2001 covering the period from December 7 through 10, 2001 was received by fax on December 19, 2001. This letter is in response to these three letters.

While your letters do raise a few issues which Doe Run will specifically address in this letter, the vast majority of comments simply repeat previous assertions by the Missouri Department of Natural Resources ("MDNR") that there are "visible" emissions at the smelter complex, that there is "dust" on roads and surfaces within the company's property as well as on Herculaneum streets, that Doe Run is currently using tarped trucks to haul concentrate, that concentrations of lead on streets near the facility are higher than on those further away, and that Doe Run does not wash every vehicle exiting its facility. Without citing a single set of analyses, the MDNR also asserts that these observations reflect new hazardous substance emergencies. Each and every one of these assertions have been previously addressed by Doe Run either in documents submitted with its appeal of the MDNR's September 25, 2001 order or in Doe Run's November 2, 2001 letter Nevertheless, a few points merit repeating.

First and foremost is the fact that the Herculaneum smelter complex is a major industrial facility with significant amounts of both stack and fugitive emissions. In this regard, Herculaneum is no different than other industrial complexes in the State of Missouri; indeed, the Toxics Release Inventory for Missouri facilities show that there are at least twenty-five other facilities which release greater amounts of hazardous substances into the air than the Herculaneum facility. Just as with these other facilities, the emissions from Herculaneum are authorized under state and federal law with lead emissions being specifically regulated under a Consent Judgment dated January 3, 2001 signed by the MDNR and state regulations at 10 CSR 10-6.120(2)(B) and (3).

Given the physics of airborne deposition (which the MDNR should be aware of), these emissions make it clear that there will always be higher lead concentrations on haul roads near the facility than on non-haul roads further away. This has nothing to do with haul trucks. Thus, asking that roads near the facility be just as clean as roads further away is an impossible requirement. The real issue should be what level of lead concentration poses no significant risk to the people of Herculaneum. Doe Run had hoped to discuss this issue with the Missouri Department of Health, but they cancelled the scheduled meeting. Consequently, Doe Run has notified the MDNR that it is proceeding to conduct a risk assessment to address this issue. Only when this issue is addressed can one determine what level is appropriate.

The following remarks in the MDNR's three letters require some specific comments. First in regard to the "untarped" truck referenced in Paragraph 1 of the December 18th letter, this truck, due to problems at the truck unloading station, went into the plant yard to unload the concentrate. After unloading, the truck bed was washed out with a fire hose. Despite Doe Run's requirement to tarp even empty trucks, this driver left the facility without tarping the empty truck. Although, Doe Run personnel could not reach him via radio, Doe Run has contacted the driver's dispatcher and the driver has been put on notice that any further infractions would result in the driver being disqualified to haul concentrate for Doe Run. Thus, while the truck did violate Doe Run's requirement at all loads be tarped, the fact that the bed was empty and had been washed under pressure and that the MDNR noted no visible emissions from the truck, indicate that the truck posed no risk of harm to the people of Herculaneum.

Second, the MDNR insinuates in these letters that Doe Run is not sweeping the haul routes. Doe Run does operate the street sweepers seven days a week which is more than currently required in the Work Practice Manual approved by the January 3, 2001 Consent Judgment. Doe Run's street sweeping program appears to be very successful in reducing dust on the streets. EPA has even recently reported a number of times that it could not even obtain enough dust from the street to run a lead analysis. However, this does mean that the cleaner the streets become, the more likely it is that the only material deposited on the street will be particulate matter from air emissions from the smelter. In other words, even though total lead loading may be decreasing, the lead concentration remaining in the small amount of material deposited could well increase. Nevertheless, this would represent less lead in the environment and a reduced risk posed to people in Herculaneum.

Third, the MDNR's three letters do make reference to visible emissions being in excess of certain opacities. Although most of the referenced "observations" do not clearly state any violations of the Missouri opacity requirements, the "observations" on November 14, 2001 and December 10, 2001 could be construed to present a potential violation. While other factors, such as certification of the opacity reader and proper reading of plumes indicated on a completed observation form, may affect whether such observations actually constitute violations, Doe Run hereby provides as an enclosure to this letter the information required by the MDNR's regulations (10 CSR 10-6.050) which excuse excess emissions during start-up, shutdown, and malfunction conditions. While the enclosed information provide more detail, I would summarize the events which caused the alleged excess opacity cited for these two dates. On November 14, 2001, during startup of the sinter plant, high acid strength in the acid plant resulted in visible white emissions from the main stack which, while probably mostly water vapor, also contained some SOX. On December 10, 2001, blockage in the duct work venting air from the blast furnace to the bag house caused black smoke to exit the open areas of the furnace feed floor rather than be ducted to the baghouse.

In conclusion, Doe Run wishes to repeat its prior observation that continual citing by the MDNR of requirements under an Order, the effectiveness of which is stayed under Missouri law, is not very useful in resolving these matters. A true settlement conference where the technical and legal issues can be discussed and where the MDNR can explain the scientific basis of its requests and concerns is the quickest and surest way to resolve these matters. Doe Run repeats its request to have such a meeting to specifically discuss settlement. The appeal process is currently proceeding under the direction of the appointed hearing officer. Unless Doe Run and the MDNR can advise the hearing officer that settlement is possible in these matters, this legal action will proceed and consume time and expense which could be better spent by both parties. Please advise when such a settlement conference can be held.

Sincerely,

Louis J. Marucheau

Louis J. Marucheau
Vice President Law

Encl.

Equipment start-up resulting in excess visible emissions

10 CSR 10-6.050(1)(B)

1. Name and Location of installation:
The DOE RUN Company – Herculaneum Smelter

2. Name and telephone number of person responsible for the installation:
Cliff Gray (636) 479-5311

3. Identity of the equipment causing the excess emission:
Sulfur dioxide air pollution equipment – Acid Plant

4. Time and duration of the period of excess emissions:
November 14, 2001 (9:59 - 10:05 as reported by MDNR).

5. Cause of excess emissions:
Sinter Plant was down for 2½ hours the morning of November 14th for Euromag drag chain breakdown repairs. In starting up the Sinter Plant and Acid Plant there is a period of time before the Acid Plant comes up to a good operating temperature. According to the department logbook, at 9:50, during this start-up period, department personnel noticed emissions from the main stack and found that the acid strength being produced was too strong. Operators took a sample to check acid strength and shutdown the Acid Plant.

6. Air Pollutants involved:
SOX

7. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirements and the operating data and calculations used in estimating the magnitude:
We do not believe that any SOX emission limits were exceeded. Opacity could not be estimated due to the presence of water vapor in the plume.

8. Measures taken to mitigate the extent and duration of the excess emissions:
Acid Plant was shutdown at 10:05 as indicated in the operational logbook and acid strength was diluted prior to restarting the Acid Plant.

9. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations:
The excess emissions reported by MDNR would be due to the start-up of the Sinter Plant and Acid Plant. Operational procedures are to minimize start-up emissions as soon as possible.

Equipment malfunction resulting in excess visible emissions

10 CSR 10-6.050(1)(B)

1. Name and Location of installation:
The DOE RUN Company – Herculaneum Smelter

2. Name and telephone number of person responsible for the installation:
Cliff Gray (636) 479-5311

3. Identity of the equipment causing the excess emission:
#1 Blast Furnace

4. Time and duration of the period of excess emissions:
December 10, 2001 (Some period between 11:13 - 11:23 as reported by MDNR).

5. Cause of excess emissions:
After Department personnel performed a routine clearing procedure on the furnace feed floor and air was being placed back onto the furnace, smoke was observed. Problem was checked out and a buildup of material was found to be partially blocking the ventilation out of the top of the furnace in the duct work to the baghouse. Furnace was shutdown and the blockage was removed from the ventilation path.

6. Air Pollutants involved:
Particulate matter (Opacity)

7. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirements and the operating data and calculations used in estimating the magnitude;
MDNR estimated Opacity. Doe Run did not make an official Opacity reading of the emission.

8. Measures taken to mitigate the extent and duration of the excess emissions:
Blast furnace was shut down and blockage was cleared before restarting the blast furnace.

9. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations:
Furnace was believed to have developed this problem due to a particular feed mixture that had been fed to the furnace. To prevent this unusual blockage again, plant personnel have been advised to avoid using this particular feed mixture